

# **MICHIGAN DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD**

## **MEETING MINUTES February 3, 2006**

**\*\*\* APPROVED April 7, 2006 \*\*\***

### **Members Present:**

Princella Graham  
Honorable Amy Krause, Chair  
Honorable Nathaniel C. Perry, III  
Lore Rogers

### **Staff Present:**

Michelle Bynum  
Debi Cain, Executive Director  
Carol Hackett Garagiola  
Julie Giddings

Sarah Heuser  
Josie Jubb  
Mary Lovik

### **Guests:**

Patrice Eller, DHS  
Bill Gregory, Little Traverse Bay Band of Odawa Indians  
Kathy Hagenian, MCADSV  
Mary Keefe, MCADSV  
Jean Mahjoory, SCAO  
Tom Robertson, PAAM  
Jody Smith, RAVE, St. Johns  
Herb Tanner, PAAM  
Regina Turner, Bay Area Women's Center, Bay City

### **Welcome and Introductions**

Chair A. Krause convened the February 3, 2006 Michigan Domestic Violence Prevention and Treatment Board (MDVPTB) meeting at the DHS, Grand Tower Building in Lansing, MI, at 10:16 a.m. Introductions were made and a welcome extended to guests.

### **CHAIR'S REPORT**

Chair A. Krause reported on the Legislative Committee call. STOP updates were emailed to Board members. MDVPTB is very hopeful the STOP situation will resolve in a way that is beneficial to survivors.

Performance review for D. Cain was emailed to Patrice Eller.

### **The Governance Process and Policy Review: Board Committee Principles and Committee Structure**

The Board reviewed the policies. No motion required.

## **EXECUTIVE DIRECTOR'S REPORT – GENERAL OVERVIEW OF WORK TO DATE**

Public comment: Bill Gregory, Prosecutor from the Little Traverse Bay Band of Odawa Indians requested support from the Board for a federal STOP grant for prevention of violence against Indian woman. There is a need for more coordinated efforts and their ultimate goal is to hook all tribes into a tribal lien system. D. Cain will send a letter of support from MDVPTB.

Updates from D. Cain: In an effort to assist the Governor's Task Force on Elder Abuse and the Office of Services for the Aging (OSA), Debi assigned a staff person to each committee that's relevant. Debi also encouraged three of our programs (Holland, Grand Rapids, and Alpena) to pilot Transitional Supportive Housing for elder abuse. At the request of OSA we are submitting an application to OVW for one of the 8-10 projects that will be selected nationwide to pilot a new elder abuse training curriculum for law enforcement. This project would be a collaboration with PAAM, MCOLES/MSP, MCADSV, OSA and APS and would target the same three communities piloting the TSH Elder units (Grand Rapids, Holland, and Alpena).

We have also been supporting the Department of Corrections' Michigan Prisoner Re-entry Initiative (MPRI). DOC has been very open to bringing VAW to the table and we have been attending meetings on a consistent basis. This is an important project and we will keep the Board posted.

## **BOARD CONSENT**

Review of agenda; approval of Feb. 3, 2006 Board meeting minutes as amended to add Chair A. Krause's comments regarding SB263 S-6.

**MOTION: Moved by L. Rogers to approve the February 3, 2006 agenda and to approve the January 13, 2006 meeting minutes as amended to add Chair A. Krause comments regarding the MOTION to oppose SB263 S-6 unless amended. (Chair A. Krause dissented, expressing support for the bill. She stated that she believes that MDVPTB is about safety and autonomy of survivors. Chairperson Krause also indicated successful prosecution of offenders does contribute to this safety and autonomy. She believes that this information is not privileged and should be used for the purposes of prosecuting offenders). Seconded by P. Graham. Motion carried.**

## **MONITORING TO ASSURE ORGANIZATIONAL PERFORMANCE**

### **Executive Limitations: Communication and Counsel to the Board**

The Board reviewed and approved D. Cain's Communication and Counsel to the Board report.

**MOTION: Moved by L. Rogers to accept Executive Limitation Report: Communication and Counsel to the Board. Seconded by N. Perry. Motion carried.**

### **Executive Director's Report (Cont'd) Updates**

VAWA III has now passed . M. Keefe gave a brief update including the new language giving privacy protection for domestic violence service programs who get VAWA funding and money that originates from HUD. It also appears that non-profits will be exempted from match requirements which was a huge administrative burden. Lots of good news in VAWA 2005.

D. Cain gave an update on a collaborate project with MSHDA, MDVPTB and MCADSV for a \$4M grant for domestic violence permanent housing.

A. Krause indicated she will send a letter to Senator Hammerstrom about Senate Bills 431-432 that states the Board's position supporting these bills.

### **Legislative Review**

C. Hackett Garagiola, reported on HB 5531-5535 and HB 5557-5558.

#### **HB 5531**

- Mandatory lifetime GPS monitoring for CSC *1<sup>st</sup> or 2<sup>nd</sup>* degree if victim was under age 13.
- Adds 750.520n. Creates 2 year felony for a person sentenced to lifetime GPS monitoring under CSC laws who removes, fails to maintain, or otherwise interferes with GPS monitoring device, or otherwise fails to comply with requirements of GPS monitoring program. A 2 year penalty may run consecutively to a penalty for another violation arising from same transaction.

#### **HB 5532**

- Establishes a lifetime GPS monitoring program within the Department of Corrections for the purpose of tracking and recording the movement and location of individuals sentenced to lifetime GPS monitoring.

#### **HB 5533**

- Sentencing guidelines for GPS violations (class G).

#### **HB 5534**

- Mandatory minimum 25 year sentence for CSC *1<sup>st</sup>* degree (maximum life imprisonment) if victim was under age 13.

#### **HB 5535**

- Amends Corrections Code to permit parole of a prisoner who has served 25 years of a sentence for CSC *1<sup>st</sup>* degree if victim was under age 13. Parole shall be for life and shall include lifetime GPS monitoring.

#### **HB 5557**

- Establishes a lifetime GPS monitoring program within the Department of Corrections for the purpose of tracking and recording the movement and location of individuals sentenced to lifetime GPS monitoring. Essentially identical to HB 5532.

#### **HB 5558**

- Mandatory minimum 25 year sentence for CSC *1<sup>st</sup> or 2<sup>nd</sup>* degree if perp is *sexually delinquent person* AND any of the following factors was involved:
  - Victim was under age 13;
  - Victim was 13, 14 or 15 and perp is member of same household or related to victim (to fourth degree); or in position of authority over victim, or teacher in victim's school;

- Perp was aided or abetted by another, and used force or coercion;
  - Perp was armed with a weapon or object fashioned as weapon;
  - Perp caused physical injury to victim, and used force or coercion;
  - Perp caused personal injury to victim, and had reason to know that victim was mentally incapable, disabled or incapacitated, or physically helpless.
- Mandatory minimum 25 year sentence for assault with intent to commit CSC if any of above listed factors was involved (but does not require sexually delinquent person.)
  - In addition to any other sentence imposed, mandatory lifetime GPS monitoring for assault with intent to commit CSC if any of above listed factors was involved (but does not require sexually delinquent person) AND victim was not more than 11 years of age.
  - Mandatory minimum 25 year sentence for CSC 3<sup>rd</sup> or 4<sup>th</sup> degree if perp is *sexually delinquent person* AND any of the following factors was involved
    - Victim was 13, 14, or 15;
    - perp used force or coercion.
  - In addition to any other sentence imposed, mandatory lifetime GPS monitoring for CSC 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> degree CSC, if victim was not more than 11 years of age.
  - Adds 750.520n. Creates a 2 year felony for person sentenced to lifetime GPS monitoring under CSC laws who removes, fails to maintain, or otherwise interferes with GPS monitoring device, or otherwise fails to comply with requirements of GPS monitoring program. A 2 year penalty may run consecutively to a penalty for another violation arising from same transaction. Essentially identical to same provision in HB 5531.

[Note: "Sexually delinquent" person is defined in MCL 750.10a as "any person whose sexual behavior is characterized by repetitive or compulsive acts which indicate a disregard of consequences or the recognized rights of others, or by the use of force upon another person in attempting sex relations of either heterosexual or homosexual nature, or by commission of sexual aggressions against children under the age of 16."]

**Motion: Moved by L. Rogers to support concept of increased penalties for sex offenders, including use of increased mandatory minimums, lifetime GPS monitoring for particular classes of offenders, limitations and restrictions on parole eligibility where offenders are adults and victims are under 13 years of age, and where those bills show thoughtful consideration and sensitivity to need of victims. Seconded by P. Graham. Motion carried.**

C. Hackett Garagiola reported on Senate Bill Joint Resolution G. Tabled until staff can research and provide more information.

C. Hackett Garagiola reported on HB 5193-5194, which would amend the Sex Offender Registration Act and the Corrections Code to provide that law enforcement agencies be notified of a registered sex offender's proposed place of residence prior to the offender's release from prison.

**MOTION: Moved by L. Rogers to support 5193-5194. Seconded by P. Graham. Motion carried.**

Discussion of HB 5526, requiring expulsion from school of students making false allegations of CSC against school employees or contractors.

**MOTION: Moved by L. Rogers to oppose bill. Seconded by P. Graham. Motion carried.**

There was discussion of HB 5512-5514, 5515 prohibiting the sentencing of juveniles to imprisonment for life without parole eligibility. Tabled until input from PAAM is received after their mid-winter conference.

Discussion of HB 5464. Include ordinance violations, in the definition of misdemeanor for purposes of the probation statute, MCL771.1. Tabled until staff can research and provide more information.

C. Hackett Garagiola gave an update on HB 5449, 5450, and 5451, amendment in the kidnapping statute, MCL750.349, and adding sec.349b to the Penal Code to prohibit unlawful imprisonment.

**MOTION; Moved by L. Rogers to support 5450-5451 in concept. Support in concept 5449 as it deals with unlawful imprisonment. Seconded by P. Graham. Motion carried.**

C. Hackett Garagiola reported that HB 5224 (which the Board opposed last year) is not moving.

Update to Board on preliminary examination bills (HB 4796-7, HB 4799-4800, SB 542-545) from C. Hackett Garagiola. Senator Cropsey is working on a potential compromise that would provide mandatory preliminary conferences in all felony cases.

M. Lovik reported on a bill to remove obstacles to survivors seeking unemployment benefits, HB 5564. L. Rogers commented on the need to clarify certain language in subsection (3).

**MOTION: Moved by L. Rogers to actively support HB 5564 and authorize staff to communicate revisions as appropriate. Seconded by P. Graham. Motion carried.**

M. Lovik updated the board on HB 5495-96, allowing parties to a divorce to file a consent judgement with the complaint. Board will table until there is more information or unless the bill starts to move.

M. Lovik updated on HB 5311, which would add sec. 17760 to Public Health Code to provide: "Emergency contraception shall only be dispensed as a prescription drug and under the control of a licensed pharmacist or prescriber. The licensed pharmacist or prescriber who dispenses the emergency contraception shall maintain the same records for the dispensing of the emergency contraception as required for the dispensing of prescription drugs." Board requested staff to check with the Board of Pharmacy to see if this bill would alter current SANE practices.

**MOTION: Moved by L. Rogers to oppose. Seconded by P. Graham. Motion carried.**

The Board considered the following general principle: The MDVPTB places a significant emphasis on the rights of domestic and sexual violence survivors, ensuring their safety, confidentiality, and autonomy. To promote safety, confidentiality and autonomy for survivors in the area of reproductive health, the Board articulates these principles:

- Survivors need access to information about contraception and reproductive health care options, and access to safe means of contraception and reproductive health care.
- Survivors who become pregnant as a result of sexual assault or forced unprotected intercourse must be given information about and access to safe medical care of their own choosing.
- Survivors have a right to determine when and to whom information about their health status or care will be disclosed.

For purposes of this principle, "survivors" means survivors of sexual or domestic violence.

**MOTION: Moved by L. Rogers to adopt the amended principle. Seconded by P. Graham. Motion carried.**

D. Cain updated on SB 263, regarding a hearsay exemption for certain statements of domestic violence victims. The amendment to SB 263 has been dropped.

#### **PUBLIC COMMENT**

T. Robertson reported that the U.S. House of Representatives, as part of its deficit reduction package, has cut child support payments to Michigan and other states. He anticipates a \$50-\$60 million cut to funding that supports FOC support collection efforts and the child support computer system effective FY08. Suggested inviting the Director of Office of Child Support to MDVPTB's April 7<sup>th</sup> Board meeting.

#### **PROCESS EVALUATION:**

L. Rogers thanked all MDVPTB staff for their hard work in researching information for the Board, she noted how much she enjoys serving on the Board.

P. Graham wanted to thank C. Hackett Garagiola and M. Lovik and let them know they are appreciated for all the work they do.

Chair A. Krause thanked all MDVPTB staff.

#### **ADJOURNMENT**

The meeting ended at 1:20 p.m.

**MOTION: Moved by N. Perry to adjourn the meeting. Seconded by L. Rogers. Motion carried.**

Respectfully submitted,  
Josie Jubb